

REMARKS

In the subject Office Action the drawings were objected to under 37 CFR 1.83(a) for not showing every feature of the invention specified in the claims. In particular, it was stated that the transmitter and receiver in the infrared sensor and in the flush valve must be shown. The drawings were also objected to under 37 CFR 1.83(h)(5) for showing modified forms of construction in the same view, since Fig. 1B had shown a faucet system and soap dispenser.

In addition, claims 1-13 were rejected under 35 U.S.C. 103(a) as unpatentable over Kolar et al. US Patent No. 6,250,601 in view of Okamoto et al. US Patent No. 6,522,078 and in view of Yamasaki US Patent No. 6,075,454. Claims 14-21 were rejected under 35 U.S.C. 103(a) as unpatentable over Kolar et al. '601 in view of Okamoto et al. '078 and in view of Yamasaki '454 and in view Pope US Patent No. 5,963,624.

With this reply, the drawings have been amended to show the transmitter and receiver in every sensor and valve and/or operator. No new matter has been added since these structures were already disclosed throughout the specification. Additionally, the drawings have been amended according the Examiner's recommendation to separate out the two modified forms of construction shown in Fig. 1B. Applicants have amended the drawings to show a faucet system in Fig. 1D and a hand dryer system in Fig. 1B. Again, no new matter has been added with this change.

With regard to the rejections under § 103(a), Applicants respectfully submit declarations under 37 CFR 1.131 of joint inventors Jerome M. Gauthier and Nhon T. Vong. According to these declarations, the invention disclosed and claimed in the above-

identified application was invented and reduced to practice prior to the August 25, 2000 filing date of the Okamoto et al. '078 patent. Consequently, the Okamoto et al. '078 patent cannot be considered as prior art and used in an obviousness rejection under 103(a).

It was stated in the subject Office Action that Kolar et al. do not disclose means remote from said appliance, for signaling an intent to cause operation of said appliance, a remote radio transmitter connected to said means for signaling an intent and operable thereby, an indicator located at said means for signaling an intent, and a remote radio receiver connected to said indicator to provide an operating signal therefor. It was also stated that Okamoto et al. teach such structures and by combining the teachings of Kolar et al., Okamoto et al. and Yamasaki the subject matter of claims 1-13 would have been obvious at the time the invention was made to one skilled in the art. In addition, by adding the teachings of Pope, claims 14-21 would have been obvious at the time the invention was made to one skilled in the art.

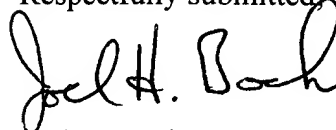
However, since the invention as disclosed and claimed in the above-identified application was actually reduced to practice before the filing of Okamoto et al., there could be no such teaching by Okamoto et al. In other words, claims 1-21 recite features not taught or suggested by any of the remaining cited references, alone or in combination.

Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection of all the claims.

It is believe that no fees are due with this reply. However, if a fee should be required, the Commissioner is authorized to charge our Deposit Account No. 50/1039.

Serial No. 09/704,244

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joel H. Bock". The signature is written in a cursive style with a large, looping initial "J".

Joel H. Bock

Registration No. 29,045

Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.
200 West Adams Street
Suite 2850
Chicago, Illinois 60606
312.236.8500